

RESOLUTION NO. 2002-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, ORDERING THAT A MEASURE BE SUBMITTED TO THE
VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE
CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON
NOVEMBER 5, 2002 RELATING TO INCREASING THE HOTEL-MOTEL
OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%

=====

WHEREAS, a General Municipal Election on Tuesday, November 5, 2002 has been called by Resolution No. 2002-106, adopted on May 15, 2002; and

WHEREAS, the City Council requested the Board of Supervisors of the County of San Joaquin to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, November 5, 2002 by Resolution No. 2002-107, adopted on May 15, 2002; and

WHEREAS, the City Council also desires to submit to the voters of the City of Lodi at the General Municipal Election to be consolidated with the Statewide General Election on November 5, 2002 a question relating to increasing the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10%.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

SECTION 2: That the proposed complete text of the measure submitted to the voters is as follows:

ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX",
RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX, REPEALING AND
RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY
INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX
FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS
ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 3.12 "Transient Occupancy Tax" of the Lodi Municipal Code is hereby amended by repealing its current title and re-titling Chapter 3.12 – Hotel-Motel Occupancy Tax.

SECTION 2. Section 3.12.030 of the Lodi Municipal Code is hereby repealed and re-enacted as follows:

3.12.30.1 Imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

SECTION 3. Section 3.12.035 of the Lodi Municipal Code is hereby repealed in its entirety.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Joaquin.

SECTION 5. That the City shall reimburse the County for services performed and upon presentation to the City of a properly approved bill.

SECTION 6. That the City Attorney prepare a ballot summary for inclusion in election materials not to exceed 500 words.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: July 17, 2002

=====

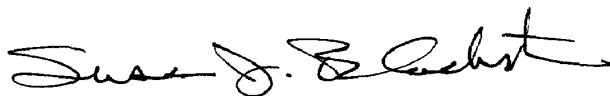
I hereby certify that Resolution No. 2002-162 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor
Pennino

NOES: COUNCIL MEMBERS – Nakanishi

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston
City Clerk